



Docket No.: 1599-0287P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#46

In re Patent Application of:  
Woon-Seong YEO

Application No.: 09/055,240

Confirmation No.: 003654

Filed: April 6, 1998

Art Unit: 2655

For: OPTICAL DISC HAVING VARIABLE SPARE  
AREA RATES AND METHOD FOR  
VARIABLY SETTING THE RATE OF SPARE  
AREAS IN THE OPTICAL DISC

Examiner: A. Neyzari

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

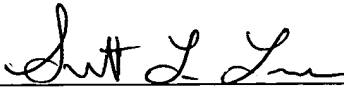
Sir:

Pursuant to the Notice Under 37 CFR 1.251 – Pending Application, from the U.S. Patent and Trademark Office dated December 13, 2005, Applicant respectfully submits an official duplicate of the File Wrapper in the above identified application, which the USPTO has determined missing.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: March 13, 2006

Respectfully submitted,

By   
Esther H. Chong #41,458  
Registration No.: 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
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Falls Church, Virginia 22040-0747  
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Attorney for Applicant





**Docket: 1599-0287PUS1 0937-0120P**  
**U.S. Patent Application No.: 09/055,240**

**Inventor:** Woon-Seong YEO  
**For:** Optical Disc Having Variable Spare Area Rates and Method for  
Variably Setting the Rate of Spare Areas in the Optical Disc

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| 1. Office Communication<br>Notice Under 37 CFR 1.251 – Pending Application                              | December 13, 2005  |
| 2. Office Communication<br>Supplemental Notice of Allowability  | April 6, 2005      |
| 3. Facsimile to PTO<br>Copy of pages 4-7 of the specification   | November 24, 2004  |
| 4. Facsimile to PTO<br>Large Entity Transmittal Form dated July 2, 2003<br>Amendment dated July 2, 2003 | November 19, 2004  |
| 5. Payment of Issue Fee Transmittal   | July 2, 2003       |
| 6. Letter to the Official Draftsperson<br>with three (3) sheets of formal drawings                      | July 2, 2003       |
| 7. Amendment<br>Large Entity Transmittal Form dated July 2, 2003<br>Copy of Postcard dated July 2, 2003 | July 2, 2003       |
| 8. Letter Requesting Initialed PTO 1449 Form(s)<br>Copy of PTO 1449                                     | May 2, 2003        |
| 9. Notice of Allowance and Fee(s) Due   | April 8, 2003      |
| 10. Decision on Appeal  | November 27, 2002  |
| 11. Notice of Hearing   | September 25, 2002 |
| 12. Request for an Oral Hearing Before the Board of Appeals   | April 12, 2001     |
| 13. Office Communication<br>Before the Board of Patent Appeals and Interferences                        | February 12, 2001  |
| 14. Appeal Brief<br>Copy of check and postcard dated December 4, 2000                                   | December 4, 2000   |

**Docket: 1599-0287PUS1 0937-0120P**  
**U.S. Patent Application No.: 09/055,240**

Inventor: Woon-Seong YEO  
For: Optical Disc Having Variable Spare Area Rates and Method for  
Variably Setting the Rate of Spare Areas in the Optical Disc

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19. Amendment Copy of check and postcard dated December 9, 1999	December 9, 1999
20. Examiner Interview Summary Record	October 28, 1999
21. Information Disclosure Statement PTO 1449 Copy of postcard dated August 18, 1999	August 18, 1999
22. Office Action	July 9, 1999
23. Amendment Copy of postcard and check dated April 22, 1999	April 22, 1999
24. Drawing Change Authorization Request Three (3) sheets of drawings	April 22, 1999
25. Information Disclosure Statement Copy of postcard and check dated April 22, 1999	April 22, 1999
26. Office Action	December 22, 1998
27. Notice of Draftsperson's Patent Drawing Review	August 5, 1998
28. Filing Receipt (corrected)	November 12, 1998
29. Notice of Recordation Assignment	October 22, 1998

**Docket: 1599-0287PUS1 0937-0120P**  
**U.S. Patent Application No.: 09/055,240**

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33. Letter Submitting Paper Bearing Original Signature Declaration	July 30, 1998
34. Letter Submitting Documents for Completion of an Application Declaration	July 6, 1998
35. Information Disclosure Statement PTO 1449	June 29, 1998
36. Second Preliminary Amendment Large Entity Transmittal dated June 29, 1998	June 29, 1998
37. Filing Receipt	May 7, 1998
38. Notice to File Missing Parts of Application	May 6, 1998
39. Preliminary Amendment Large Entity Transmittal Form dated April 30, 1998	April 30, 1998
40. Draft Drawing Change Authorization Request Two (2) sheets of drawings	April 30, 1998
41. Application Transmittal Information Sheet Letter claiming priority Specification One (1) sheet of formal drawings	April 6, 1998



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In re Application of:

Yes, Woon-Seong

Application No.:

09/055,240

Filing Date:

4/6/98

Title:

Optical Disc Having Variable  
Spare Area Rates and Method  
for Variably Setting The Rate...

Direct to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Linda Wilson  
2900 Crystal Drive  
Ste 8003  
Arlington, VA. 22202

**NOTICE UNDER 37 CFR 1.251 - Pending Application**

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

March 13, 2006  
Date

[Signature]  
Signature  
CHENG-KANG HSU  
Typed or printed name

**A copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



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☒ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

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Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

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*Linda Wilson*  
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CHC



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1599-287 P

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/055,240	04/06/1998	WOON-SEONG YEO	0937-0120P	3654

7590 12/13/2005

BIRCH STEWART KOLASCH & BIRCH LLP  
P O BOX 747  
FALL CHURCH, VA 22040-0747

EXAMINER  
NEYZARI, ALI

ART UNIT 2655  
PAPER NUMBER

DATE MAILED: 12/13/2005

mm  
Response  
3-13-06

Please find below and/or attached an Office communication concerning this application or proceeding.





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Date

Signature

Typed or printed name

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